

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LAWRENCE WILLIAMS,

Plaintiff,

No. CIV S-03-2518 FCD DAD P

vs.

COUNTY OF SACRAMENTO
SHERIFF'S DEPARTMENT, et al.,

Defendants.

ORDER

Plaintiff, a state prisoner at the Correctional Training Facility in Soledad, California, requests an extension of time to file his pretrial statement or, in the alternative, that the dates for the filing of pretrial statements, for pretrial conference, and trial, be vacated.¹ In his declaration, plaintiff explains that in November of 2007, he was interviewed by a correctional counselor to determine if he was eligible to be placed on a list for transfer to an out-of-state facility. Plaintiff has not been placed on the list at this time and is unsure how long the transfer process may take once he is placed on the list. Based on information he has seen on the television, plaintiff states that inmates may be sent out-of-state for a period not less than five

¹ Pursuant to the revised scheduling order, filed on October 18, 2007, plaintiff's pretrial statement and motion to obtain the attendance of witnesses is due by January 18, 2008; defendants' pretrial statement is due on January 25, 2008; pretrial conference is set for February 1, 2008; and trial is set for April 15, 2008 at 9:00 a.m. before the Honorable Frank C. Damrell.

1 years. Therefore, plaintiff requests that his case be “deferred” for five years, at which time he
2 may be released on parole. Defendants have filed a statement of non-opposition to have the dates
3 vacated. However, rather than postponing this action for five years, defendants ask the court to
4 order plaintiff to notify the court about the status of his relocation in 120 days so that new dates
5 may be set at that time.

6 The court is not inclined to delay the prosecution of his action based on mere
7 speculation that plaintiff may be transferred to an out-of-state facility. Nevertheless, the court
8 will grant plaintiff a limited extension of time to file his pretrial statement and motion to obtain
9 the attendance of witnesses, and new dates will also be set for defendants to file their pretrial
10 statement, for the pretrial conference, and trial. In addition, the court will set a date for trial
11 confirmation hearing during which plaintiff will appear via video conferencing.

12 Accordingly, IT IS HEREBY ORDERED that:

13 1. Plaintiff's January 7, 2008 request for an extension of time to file his pretrial
14 statement is granted;

15 2. Plaintiff shall file his pretrial statement and motion to obtain the attendance of
16 witnesses on or before February 15, 2008;

17 3. Defendants shall file their pretrial statement on or before February 22, 2008;

18 4. Pretrial conference set for February 1, 2008 is vacated and reset for February
19 29, 2008, before the magistrate judge. The pretrial conference shall be conducted on the file
20 only, without appearance by the parties;

21 5. A trial confirmation hearing shall be held on April 11, 2008 at 2:00 p.m. before
22 the Honorable Frank C. Damrell in Courtroom 2. Plaintiff shall appear by video conferencing at
23 the facility where he is incarcerated; and

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1 6. The trial set before the Honorable Frank C. Damrell on April 15, 2008 at 9:00
2 a.m., is vacated and reset for May 20, 2008, at 9:00 a.m. in Courtroom 2.

3 DATED: January 14, 2008.

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7 DALE A. DROZD
8 UNITED STATES MAGISTRATE JUDGE

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